

1 Q. THE FOLLOWING IS A TAPED STATEMENT OF DANIEL HERNANDEZ AS
2 GIVEN TO DETECTIVE MARTINEZ, BADGE NUMBER 1385, OF THE PIMA
3 COUNTY SHERIFF'S DEPARTMENT. ALSO PRESENT IS DETECTIVE FLORES,
4 BADGE NUMBER 1388. WE ARE CURRENTLY LOCATED AT UNIVERSITY
5 MEDICAL CENTER, SPECIFICALLY THE COMMAND CENTER FOR THE
6 TUCSON POLICE DEPARTMENT. THE TIME IS NOW.

7 Q2. 1306 HOURS.

8 Q. 1306 HOURS ON 01/08 OF 11 AND IT'S REFERENCE CASE NUMBER 110108078.

9 LEGEND: Q. DETECTIVE MARTINEZ A. DANIEL HERNANDEZ
10 Q2. DETECTIVE FLORES
11

12 Q. Mister Hernandez, can I just have you state your full name, please?

13 A. Daniel Hernandez, Junior.

14 Q. Okay. Mister Hernandez, unfortunately, uh, under the circumstances, we, we have talk
15 about something that occurred today. And if you could just start by telling me what
16 happened today from the beginning. You ha-, you were at Ina and Oracle.

17 A. Uh, I am an intern with the Congresswoman's office down here in Tucson. Um, a few
18 days ago I was asked to join the Congresswoman and some of her staff at an event called
19 Congress on Your Corner, which takes place on the Safeway at Ina and Oracle. The
20 event was supposed to go from 10 to 11:30. The staff was supposed to get there at 9.
21 However, I was having issues with my car and I didn't get there until 9:15. Uh, when I
22 got there, I met with Gabe Zimmerman who is, who was her Outreach Director, um, in
23 the office. And Sarah, um, who was one of her other staff members who does constituent
24 services.

25 Q. Okay.

26 A. And Pam. I, I've been there for a week so I don't know if it was Pam Symington or, or
27 Pam Harris.

28 Q. Okay.

29 A. Uh, Harrington or Pam Simon. It was, there, there's two Pams in the office. I know it
30 was one of the two. Uh, we were also joined by a former intern whose name I didn't
31 catch. Um, who was just in town for a few days. Um, we set everything up. We had
32 about three people in line. Um, 9:45, we got a call that the Congresswoman was on her
33 way. Um, after we get the call, Gabe tells us to man our posts. So what we did is, um,
34 because it was a Congresswoman and sometimes the events can get a little hectic, um,
35 they wanted to set up some kind of crowd control. Um, so we had set up barriers so there
36 was only way into the Congresswoman. Uh, and one way out. But it was just flimsy
37 tables. Um, we had the Congresswoman come in a little bit, uh, after 10 with her District
38 Director Ron Barber.

39 After we had Ron Barber and the Congresswoman come in, um, we started cycling
40 through for the first couple of people. Um, it was my job to sit in the back and make sure

1 if I saw anything, um, suspicious to let Gabe and some of the other staff members know,
2 um, but also to make sure that I signed in everyone so that everyone would be able to get
3 a chance to speak with the Congresswoman. I was, um, in the middle of talking to a
4 woman who had a question regarding, um, having to go to work early so she, Patricia
5 Minch (ph), I believe was her name. It's on one of the sign up sheets that we had at the
6 of-, at the event. Um, she had signed in, um, but wanted to know if it would be possible
7 for her to go a little bit earlier in the line because she had to get to work. Um, I tapped
8 Gabe on the shoulder to let him know we had a woman with that concern.

9 I went back to the end of the line. Um, we then a man who was dressed in dark clothes.
10 He was a male, um, light hair. Caucasian. Um, light colored eyes. Was in dark clothing.
11 Um, was wearing a hat. Um, he may have been wearing glasses, either sunglass or seeing
12 glasses, I can't remember which. Um, I handed him the clipboard. Um, 'cause there was
13 a, a little bit of, uh, congestion at the end of the line and I was trying to get as many
14 people shuffled through so I had three clipboards. I handed one of them to him. Um, I
15 then go to the back of the line just to let people know we are signing everyone in. If you
16 just a little bit of patience. The Congresswoman is gonna see everyone who's here.

17 Um, I then, um, said, um, to one of the people, um, here's some information on the
18 Congresswoman. Um, the next thing I hear is someone yell gun. Uh, and then I heard
19 multiple gunshots. I don't know how many. Um, it was the man who was dressed up in
20 the dark clothes with the hat and who was Caucasian. Um, I don't know if he actually
21 signed in to the clipboard. I just know that I had handed him a clipboard and that was the
22 last thing I saw before I heard someone say gun. And I heard someone shooting. Um, I
23 was then trying to figure out what was going on. Um, I was a little bit towards the back.
24 I saw Ron Barber fall first, who was her District Director. Um, and then I knew it was
25 actual gunshots.

26 I then saw Gabe Zimmerman on the floor [REDACTED]. Um, the Congresswoman was up
27 against the glass of the store, um, so I ran over towards the Congresswoman, made sure
28 she still had a pulse. Um, I also checked the pulses of Gabe Zimmerman and also of Ron
29 Barber. Um, Gabe Zimmerman had no pulse. Um, Ron Barber did have a pulse. He was
30 conscious and alert. Um, he told me to stay with the Congresswoman. Whatever I did, to
31 make sure that I was staying with the Congresswoman. Um, she was conscious. Her
32 eyes were not open. Um, what I did was I tried to get people as far away from her as
33 possible. Give her some room. Um, I tried to get as many vitals possible. Um, I did
34 some training as a Certified Nursing Assistant and as a phlebotomist, um, when I was in
35 high school. So I knew that we need to see if she's got a pulse. She was still breathing.
36 Her breathing started getting shallower. Uh, I then lifted her up so that she wasn't flat on
37 the ground up against the wall. Um, there was one visible gunshot wound. It was to the
38 head, from the forehead. Um, it didn't feel like, it didn't seem like there was a visible
39 exit wound, however there was a bump on the back of her head, um, which may or may
40 not have been an exit wound.

41 Um, I then see a lot of people trying to find out what the commotion is. Um, and I heard
42 someone say, we got him. Um, off to where the, the, the shooter, the person who I had
43 seen earlier run off to. Um, I didn't pay any attention to that because I was just trying to

1 concentrate on making sure we could do whatever we could for the Congresswoman and
2 for Ron Barber. Um, she had [REDACTED] from the gunshot wound. Um, I then
3 tried to make sure that we applied some pressure because she was bleeding out. Um, and
4 while I did that, I had, um, turned to the right to see if there was anyone available and I
5 asked if there was any doctors present. Um, I had a man come up to me and tell me he
6 was an OB/GYN. Um, he was checking the vitals for the other people who were the
7 victims. Um, one was a woman, I can't tell you if it was Pam, um, although I heard
8 someone say this, it's, Pam's down. Um, she was, um, right where the asphalt starts from
9 Safeway, face down. Um, he checked her first. He then checked Gabe Zimmerman, who
10 at the point was starting to [REDACTED]. He then went up to Ron Barber to see what kind of
11 injuries he had. Um, Ron Barber was shot in the leg, and possibly in the cheek, but it was
12 just a graze. Um, we told Ron to stay calm, that we were gonna be with the
13 Congresswoman.

14 Um, I then hear someone say, um, what do you need? It was staff from, from Safeway.
15 Um, I asked them to just get me blankets, um, because I wanted to make sure that we
16 covered up the Congresswoman so there was no, there was no visible, um, nothing visible
17 to people who were just passing by. Um, they went and grabbed smocks from the, from
18 the, uh, meat department but while they were doing this, I turned around, while I was
19 holding, applying pressure to the Congresswoman's wound, and I noticed that there was a
20 man who was wearing a light colored t-shirt, um, who had a camera. Um, possibly taking
21 some pictures. Uh, and this was about five minutes into the incident. Um, I wasn't able
22 to get a better description. He was tan, possibly Hispanic, dark hair, with a camera.

23 Once I was given the smocks, I applied one to her forehead to apply pressure to the
24 wound so it wasn't just my hand. Um, the next thing I did was I put another one where
25 her skirt was. She wearing, uh, not a skirt, she was wearing a dress, um, and even in her
26 condition, she was still trying to make sure that her, her, um, her dress wasn't up so it
27 wasn't exposing, so I covered up her dress. Um, we then had multiple people saying that
28 they were calling 9-1-1. _____. Um, I had a woman who said she was trained in CPR
29 who attempted to do CPR on Gabe Zimmerman, who was her Outreach Director. Um, I
30 was staying with the Congresswoman. She was still alert. She couldn't open her eyes.
31 Um, I tried to get any responses for her. Um, it looked like her left side was the only side
32 that was still mobile. Um, she couldn't speak. It was mumbled. Um, her right side was
33 completely limp. I then asked her if she would hold on to my hand, um, and if she could
34 hear me to just squeeze. She was squeezing my hand. Um, I was just holding her up,
35 um, in a sitting position because there was so much blood I didn't want her to asphyxiate
36 with her own blood, if she was laying down. Um, I then just stayed in that position for
37 about ten minutes, until we had the transport come in from the, the ambulances.

38 During that time, um, Ron Barber, who kept asking about how the Congresswoman was
39 doing, I let him how she was still conscious. She was still breathing. Um, he then asked
40 us if would contact his, his wife. Um, his cell phone was lost during this incident so he
41 yelled out his phone number and a passer-by named Beverly, she was an employee at
42 Safeway, um, went ahead and dialed and let his wife know that he had been injured, as
43 had the Congresswoman. Um, then, um, because Ron Barber had asked me to stay with
44 the Congresswoman, when the EMTs came in, um, there was some confusion as to who

1 to take first. Um, I let them know that we should take the Congresswoman first. Um,
2 and they wanted to have an aerial transport. However, the, the helicopter was nowhere in
3 sight. Um, they then decided to just get her on a stretcher and load her on the first
4 ambulance available. Um, during that time, the EMTs, um, put an ace bandage around
5 her head, um, so that I wouldn't have to continue holding her, her wounds, and applying
6 pressure. But they asked me to hold onto her _____. Um, they put her on
7 the, the stretcher. Um, they tried to give her oxygen, however, it wasn't staying on. Um,
8 so I ended up having to hold onto the oxygen and to the Congresswoman's hand while
9 she, she was being put into the ambulance. Um, I then rode with her to, here at UMC.
10 Um, in the ambulance I made three phone calls. Two, two phone calls actually. Um, the
11 first was to Rep-, State Representative Steve Farley of District 28. Um, I had worked for
12 him in the past and I knew that he was very good friends with Congresswoman Giffords.
13 Um, so I had him, um, notify her mother and her father, who are here in Tucson, and also
14 see if someone could call Mark Kelly, who is her husband. Then the second call was to
15 my family, and I left a voice mail, um, to let them know that I had been at the event, um,
16 that there had been injuries but I was not one of them, um, that I would call them as soon
17 as I could. And I think that, that's about it until I came here where I was told that I had to
18 wait for the detectives to come and get my statement.

19 Q. Mister Hernandez, I'm going to just, what I'd like to do is go back to basically what you
20 told me and _____ as detail again 'cause I just can't remember everything. Um,
21 but, um, I may toss in questions as we go along, okay? The morning started, you were
22 going to work this event, uh, for the Giffords, uh, um, office. Um, she was going to be
23 present and she was gonna meet with various people. They would have a chance to each
24 talk to her. And you arrived at about 9:15?

25 A. Yes.

26 Q. And you helped with the set up and spoke to various people there and your job once, uh,
27 the Congresswoman arrived was to, you say, stand in back and just kind of look for
28 anything suspicious.

29 A. Yeah, because, um, the Congresswoman has had issues in the past with, um, people not
30 being, um, supportive of the stances that she's taken. Um, we just had always had to be
31 cognizant of any threats that may arise. So that's the _____ that, um, keep an eye out
32 if anything suspicious and to let Gabe Zimmerman know, but also for crowd control.

33 Q. Okay. And let me ask you this, to your knowledge, only to your knowledge, has there
34 been any specific threats for this event?

35 A. I didn't know of any specific threats.

36 Q. Okay. So there was nothing that you were looking for in particular, just in general, be
37 aware of anything suspicious.

38 A. Because of the nature of the Congresswoman and her position, they just, I, I thought was
39 a normal precaution to just keep an eye out to see if there's anything suspicious.

40 Q. Okay. And you said that, uh, at the time you were talking to a woman, I think you said
41 her name was Patricia Minch?

42 A. Uh, yes.

- 1 Q. Okay.
- 2 A. The, the reason I remember her name was because she had signed in, came back to talk to
- 3 me, and I asked her what's her name so I could figure out where she was in, in the queue.
- 4 Q. Okay. She wanted to kinda move up a little bit?
- 5 A. Because she had to work.
- 6 Q. Okay. You said at one point your, you had these clipboards and you, you were havin'
- 7 people sign up and you handed it to a man that was wearing dark clothing.
- 8 A. And a hat.
- 9 Q. And a hat. And you described him as Caucasian?
- 10 A. Light hair.
- 11 Q. Light hair. When you say light hair, like a light brown or a blond or?
- 12 A. You know, because of the hat, it was kind of hard to tell.
- 13 Q. Okay. And it, was it stickin' out the sides a little bit?
- 14 A. Very little. I, I'm trying to remember. It was maybe a little bit off to the side but it
- 15 wasn't.
- 16 Q. Okay.
- 17 A. Anything.
- 18 Q. So it wasn't real shaggy coming out from underneath the hat?
- 19 A. Not from what I remember.
- 20 Q. Okay. Do, do you recall, in the back, if his hair was long or short?
- 21 A. I didn't look at the back.
- 22 Q. Okay. When you say dark clothing, was he wearing, um, a shirt or a sweater?
- 23 A. I think he may have been wearing a jacket or a trench coat.
- 24 Q. Jacket or trench coat?
- 25 A. That was black or, um, just something that had been washed a lot so it had started to lose
- 26 some of its color but you could still tell that is was dark.
- 27 Q. Okay.
- 28 A. The clothing.
- 29 Q. And you said that he was wearing glasses as well.
- 30 A. From what I remember.
- 31 Q. Okay.
- 32 A. But I don't know if they were sunglasses or.
- 33 Q. Regular glasses?

- 1 A. Or regular glasses because there were so many people trying to sign up that I was just
2 trying to get through and.
- 3 Q. Okay. Um, about how tall was he? And you, you don't have to be exact.
4 A. I, I don't, I'm not very good at determining height.
- 5 Q. Was he taller than you?
6 A. He was not taller than I was.
- 7 Q. And how tall are you?
8 A. I'm 6-1.
- 9 Q. And I know that, that you described him as wearing a jacket or like a trench coat, um, any
10 chance you were able to see his build? Um, big build, small build?
11 A. He was smaller.
- 12 Q. Smaller? Okay. Um, what kinda hat was wearing, do you recall that?
13 A. I, I don't.
- 14 Q. Okay. Um, anything else about him that you could identify that would help us identify
15 him?
16 A. Mm. No.
- 17 Q. Um, anything stand out? Shoes? Anything in his hands? Um.
18 Q2. Voice?
- 19 Q. Voice?
20 A. He didn't say anything. What I was asking every person as they came in is, are you here
21 to see the Congresswoman? Um, I would then, if they said, yes, or if they had a question,
22 talk to them. Um, when I asked him, are you here to see the Congresswoman, he just
23 grabbed the clipboard. But he didn't _____.
- 24 Q. I think, thought earlier you said, and correct me if I'm wrong 'cause maybe I'm adding
25 something that I thought you said and I think it was something else. I thought you said
26 he had light colored eyes.
27 A. Yes.
- 28 Q. He did? So at some point, even if he had glasses on, he would've looked at you with his
29 eyes?
30 A. Yeah.
- 31 Q. When you say light colored, are we talkin', um.
32 A. Bluish.
- 33 Q. Bluish gray?
34 A. _____.
- 35 Q. Somewhere in there? Okay. Definitely not brown?

- 1 A. May have been hazel.
- 2 Q. Hazel?
- 3 A. That, that was light color. Um, like I said, I got maybe two or three seconds of looking at
4 him.
- 5 Q. Okay.
- 6 A. Because we had people who are trying to sign up and I was just trying to get as many
7 people signed up as possible.
- 8 Q. Okay. Um, at that point you handed, he took the clipboard from you and you were gone
9 to deal with other people, um?
- 10 A. I had, like I said, I had three clipboards. So I handed, uh, he grabbed the first one, um,
11 and then started talking to the people directly behind him.
- 12 Q. Okay. He started talking to the people behind him?
- 13 A. No, I started talking to.
- 14 Q. Oh, you started to? Okay.
- 15 A. Yeah. To, to ask them if they were there to see the Congresswoman and then to hand
16 them the clipboard so they could sign in.
- 17 Q. Okay. After that, you said you were towards the back, um, and you hear somebody say
18 gun. And you, you kinda turned, and you were hearing gunshots right about that
19 moment. And you turn around and you see Ron Barber go down.
- 20 A. Yeah.
- 21 Q. Um, at that point, did you see where the Congresswoman was at or?
- 22 A. She was right next to Ron Barber.
- 23 Q. Okay. So was she standing at that point?
- 24 A. Um, she was kind of leaned up against the, the glass, so she was holding on for support.
25 Um, by the time I walked over, not walked, by the time I ran over to where Ron, Gabe
26 and the Congresswoman were, uh, she was on the ground, um, which I then made my
27 first priority to check to see if any of them had pulses.
- 28 Q. Okay. So, and, and I just wanna be clear here, when you turned and you saw Ron Barber
29 go down, um, at that point, you said she was up against glass, could you tell if she had
30 already been shot at that point or just, you just noticed her, where her body was?
- 31 A. I, I just noticed where her body was and I saw her from the side so I, the, the gunshot
32 wound was on her forehead, so the front, um, I, I didn't see anything on her upper front.
33 I just saw her and her red jacket. Um, Ron Barber was right in my line of vision, so
34 that's the first thing I saw.
- 35 Q. Okay.
- 36 A. I noticed she was up against the glass but I couldn't tell you if she had already been shot
37 at that point.

- 1 Q. Okay. Um, so you see Ron Barber go down. Did you see the gun? Did you see the, the
2 man fire the gun at that point?
- 3 A. I, I heard. I was behind wh-, I was, not behind but next to one of the pillars. Um, and
4 after I heard the gunshot and saw Ron go down, um, I wasn't thinking about trying to see
5 the shooter or apprehend the shooter. My first thought was to try and see who was still
6 alive so we could get them some help so I.
- 7 Q. Okay.
- 8 A. I didn't actually see a gun.
- 9 Q. Okay.
- 10 A. Um.
- 11 Q. Did, did you see, you didn't see the gunman at all shooting anybody?
- 12 A. I, I didn't see it. I heard it.
- 13 Q. Okay. Did you see the gentleman that had been shooting, did you see him at any point
14 after you moved to attend to the, the staff and...
- 15 A. As I.
- 16 Q. ...the Congresswoman?
- 17 A. As I was moving towards the staff and the Congresswoman, um, the man that I
18 mentioned earlier, who was Caucasian and, um, wearing the dark clothes, was running
19 away. Um, and I'm assuming he got to the, the people who yelled out, we got him, were
20 able to grab, um, but like I said, my first priority was to try and, just see if the
21 Congresswoman was still alive, and Ron Barber and Gabe Zimmerman were, were still
22 alive.
- 23 Q. Okay.
- 24 A. I attempted to dial 9-1-1 when I was holdin' the Congresswoman and applying pressure,
25 um, however, like I mentioned earlier before the interview, um, the blood had gotten all
26 over my hands and my phone has an optical track pad and it wasn't able to actually
27 function, um, so I was having difficulty getting 9-1-1 but because other, other people had
28 grabbed their phone and starting dialing, I just thought it would be best just to apply
29 pressure to the Congresswoman's wound.
- 30 Q. At this point, you, you try tending to the people up there, uh, close to the
31 Congresswoman. You said that you checked Gabe Zimmerman and he had.
- 32 A. He had no pulse.
- 33 Q. No pulse? Um, you looked at, uh, Ron Barber and you said he was down but he asked
34 you to go to, uh...
- 35 A. The Congresswoman.
- 36 Q. ...Congresswoman Giffords.
- 37 A. And he told me to stay with the Congresswoman, whatever, whatever happens to stay
38 with Gabby.

1 Q. Okay. And at that point, you did notice that she did have a gunshot wound...

2 A. Yeah.

3 Q. ...to the forehead. And you tried to apply pressure and you did the best you could to
4 _____.

5 A. And to lift her up so that, 'cause she was on the floor at this point, um, with her, with her
6 head down. I didn't want her to, um, swallow some of her own blood because of the
7 injury. So I tried to get her up, um, I was then holding her, um, on my chest and applying
8 pressure to, to her wound.

9 Q. Okay. And then I think you said that, uh, you were checking her, her vitals at that time
10 and...

11 A. Yeah.

12 Q. ...you did notice that they had begun to get a little shallow?

13 A. Yeah. Her breathing started to get extremely shallow, which was when I started yelling
14 to get the, the EMTs as soon as possible. Um, but we, we had a, a, I'm gonna say ten
15 minute period where we didn't have any, um, medical personnel. The only person we
16 had was the, the person who said he was an OB/GYN but I don't know if that was
17 actually true.

18 Q. Okay. And, uh, I just wanna take you back a little bit.

19 A. Yeah.

20 Q. You were workin' this event and you heard the, the actual gunshots that were heard and
21 _____, and you observed this gentleman but, a-, aside from this gentleman
22 specifically that you talked to, did you happen to notice anyone else standing around or
23 anybody else that caught your attention that didn't look right or disturbed you?

24 A. Um, the only reason why I kind of, um, even registered him was because he grabbed the
25 clipboard when I asked him if he was there to see the Congresswoman. Um, and because
26 he was wearing darker clothes and wearing a jacket or a, or a trench coat, which made
27 him stand out when everyone else was, like, jovial about having the opportunity to see
28 the Congresswoman. Um, even people who said that they were Republicans were, were
29 really excited to get a chance to talk to Gabby. Um, he was _____, he just grabbed
30 the clipboard and that's what made him kind of stick out in the event.

31 Q. Okay. Did you notice if he wrote anything down?

32 A. Like I said, there was multiple people behind him so I, after he grabbed the clipboard, I
33 just moved on.

34 Q. Before you actually gave him the clipboard, had you observed him before that?

35 A. Um, I didn't...

36 Q. In line or anything?

37 A. ...give him clipboard, he grabbed it.

38 Q. He grabbed the clipboard?

1 A. Um, but we were having people coming into the line. Um, I hadn't noticed him standing
2 around before. I just noticed him coming to the line.

3 Q. And you rode with the Congresswoman here to University Medical Center. And, um, I
4 think you said you tried to hold her hand and you tried to stay with her.

5 A. Yeah. Um, because the Congresswoman had been shot, they were trying to give her
6 fluids, [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Q. And, Daniel, I know that you, you're an intern and you haven't been with, uh,
12 Congresswoman Giffords a long time, worked for her but, I mean, uh, speaking
13 specifically about the gentleman you saw in line, have you, do you think or would you
14 know, have you ever seen him before anywhere else?

15 A. No. Um, so, a little bit of background. I was, last campaigning _____ in 2010,
16 um, I was a campaign manager for State Representative Steve Farley, so they did a lot of
17 joint work with Congresswoman Giffords. Um, and prior to that, I was an intern on her,
18 um, Congressional campaign in 08. Um, so this, the second election cycle where I
19 worked with Gabby so I was pretty familiar with her and, um, even the congressional
20 staff has names of people who are frequent writers or frequent callers. Um, and we've
21 had descriptions of people but I have never had anyone tell me about someone that
22 looked like him. Um, to be someone to, to watch out for or just, be mindful of the fact
23 that this person calls every day to complain or called every day to say that she's great.

24 Q. Oh, okay. So, again, and, uh, just, this is important to us, obviously, 'cause we're, we're
25 running an investigation, at no time were you aware of any specific threat against Gabby
26 Giffords _____.

27 A. I was not told of any specific threat.

28 Q. Okay. And you were only there to just in general look for anything suspicious, but...

29 A. Um.

30 Q. ...nothing, nothing specific?

31 A. Officially I was there to, do, to help with _____. Um, _____ the
32 Congresswoman's office, um, help constituents with federal agencies. Um, if there were
33 any constituents who wanted to talk to her but also had a specific problem that they
34 wanted looked at by her office, um, I was supposed to get what we call _____,
35 which are just forms that we fill out with their information so we can start working on
36 their case. Um, but because it looked like the line was probably gonna get pretty big, um,
37 Gabe then just told me to just do, um, crowd control and, um, signing people up.

38 Q. Okay.

39 A. And he had the other intern, um, help with _____.

40 Q. Okay. And, uh, was there any security there?

- 1 A. No.
- 2 Q. No security whatsoever?
- 3 A. As I far as I know, the Congresswoman never travels with, um, security. It's always just
4 her staff.
- 5 Q. Okay.
- 6 A. And when she came in, she came in on her own. Um, and then she was followed maybe
7 20 seconds later by Ron Barber.
- 8 Q. Okay.
- 9 A. So I don't know if they rode together but when we got the call that the Congresswoman
10 was coming, it was Ron Barber calling Gabe Zimmerman to let him know Gabby's on
11 her way.
- 12 Q. Okay. Anybody carry a gun or anything there? _____?
- 13 A. No. As far as I know.
- 14 Q. Okay. Do you have any questions?
- 15 Q2. Yeah, um, Mister Hernandez, can you just, we actually haven't even been to the scene.
16 Can you describe it for us, was it inside, outside, was there _____?
- 17 A. It was outsi-, outside. Um, there is a set up where they usually have carts for Safeway.
18 Um, that had all been cleared of carts, um, so that we could set up a little area. Um, there
19 was a table that I'm assuming was for their deli or their little café, um, and we used that
20 as a kind of a reference point to, where the, the end of the line was gonna be. Um, so we
21 set tables around the border. Um, we then hung up a sign that said Congresswoman
22 Gabriel Giffords, um, and two flags, one the State of Arizona and one for, um, for the
23 United States. Um, and that's where she was gonna be talking to constituents. Um, and
24 then just standing right in front of them, uh, standing right in front of the Congresswoman
25 and the constituent was, um, Gabe Zimmerman. That way, if there was any special case
26 where, he is the, the head of Community Outreach, had to look into, he could catch them
27 immediately and start working on that. Um, and Rob Barber was off to the side.
- 28 Q. Okay.
- 29 A. Would it help if I sketched _____?
- 30 Q2. Do you know what? If you could, that'd be great. Um.
- 31 Q. Just, just real quick, uh, the, where that was at, uh, the actual location you guys were st-,
32 uh, stationed at, was that closer to, uh, Ina Road or...
- 33 A. I wouldn't be able to tell you.
- 34 Q. Okay. Not familiar with that?
- 35 A. Not familiar with that area.
- 36 Q2. Okay. While you're sketchin' this real quick, can you tell me, um, like, more about the
37 event itself? What, what is this all about?
- 38 A. Um, the event is called Congress on Your Corner. And it's an, it's outside the con-, so
39 this was the, the automated door that you...

- 1 Q2. Right.
2 A. ...have at, at Safeway. Um, and here is the glass panels. Um, it's an event held by the
3 Congresswoman every so often, um, to try and meet with constituents on a one-on-one
4 basis. Um, so the people that come here are able to talk directly to the Congresswoman
5 for three to five minutes. Um, commend her or chastise her for whatever she's been
6 doing while she's been in Congress, um.
- 7 Q2. So would you describe it as an open forum?
8 A. Yes.
- 9 Q2. And is there any public announcement saying that this is what's gonna happen today?
10 A. A call, an automated call goes out to resident, to constituents that are nearby. Um, and
11 actually the day before, when I was working in the office, we had several people call in
12 and would say please take me off of your list. I don't wanna receive any calls about any
13 events that the Congresswoman's having.
- 14 Q2. Any, any like, internet things or does broadcast go out on that?
15 A. Um, from what I know, um, a little press release was sent out, um, to just, to let people
16 know that it as going on.
- 17 Q. Something like that, it would probably be like in the newspaper or something...
18 A. Yeah.
- 19 Q. ...wouldn't it? Yeah. Okay.
20 Q2. And then the, this person that was wearing the dark clothing, can you describe his
21 demeanor? You said a lotta people seemed to be excited, even the Republicans. Can you
22 describe his demeanor?
23 A. Um, as I mentioned a little bit earlier, I was kind of in a rush because we had so many
24 people coming in. Um, _____ demeanor was _____, he didn't seem excited, uh, or,
25 um, because he grabbed the, the clipboard.
- 26 Q2. Mm hm (yes).
27 A. He automatically som-, was someone that I kind of was keeping an eye on, um, just
28 because, even if you are not happy, uh, people will usually tell you why they're not
29 happy. Um, I, I've done some work before with the Congresswoman where people will
30 complain to you about things that are going on. And even if they're furious with her,
31 they'll tell you, I'm mad because she did this or because she did that. They won't say,
32 they won't just be angry and not say anything.
- 33 Q2. Okay.
34 A. So here's the, well, the flag. I can't remember which flag was where. Um, there was a
35 sign here that said Congresswoman. There was a table here that we used to kind of block
36 off and it was by the doors.
- 37 Q2. Okay.
38 A. Um, and this is the kind of sidewalk area that we had where the carts usually go. Um,
39 there's pillars spread throughout here. Um, we had the Congresswoman standing there.
40 I'm just gonna label her GG.

- 1 Q2. Mm hm (yes).
2 A. Ron Barber was off to the side, here. And then Gabe Zimmerman, who was her, um,
3 Outreach Director.
- 4 Q2. Mm hm (yes).
5 A. So I'm gonna label him GZ, was up here. And this where the constituent was. Um, we
6 had tables that were set up every place where there was a gap in between the pillars. Um,
7 one for crowd control and two for information if people who wanted to grab it.
- 8 Q2. Okay.
9 A. Um, so we had two tables that were set up, um, directly in front of the Congresswoman.
10 Um, and then there was the round table in the corner with chairs and an umbrella that we
11 used as another barrier. Um, we had chairs up against the brick where people could sit
12 while they were waiting to talk to the Congresswoman. Um, we had multiple chairs and
13 we had people who had actually started lining up at 9:30 to talk to the Congresswoman.
14 Um, and those were all up against the wall. Um, we had the barriers that are made out of
15 metal and have the, the cloth-like material.
- 16 Q2. Yeah.
17 A. Like, like that they used at, at like banks, um, up against the, the chairs in the middle so
18 that way we could kind of direct the flow of traffic to the Congresswoman.
- 19 Q2. So when you were, where were you at during this?
20 A. I was over at the back of the line.
- 21 Q2. Okay. So when you were at, uh, is, is this where you found, uh, Congressman Giffords?
22 A. Yeah. And over here, this is all glass behind the Congresswoman.
- 23 Q2. Okay.
24 A. Um, and there was actually a, a gunshot, there was a bullet in the glass.
- 25 Q2. In the glass?
26 A. Yeah.
- 27 Q2. Okay. Um.
28 A. So I was in the back of the line, um, which was half from the U.S. Postal Service boxes.
29 Um, it was maybe four of these barriers away.
- 30 Q2. Okay.
31 A. Um, and after I heard gun, I turned towards the Congresswoman, um, in, in her direction.
32 Um, after I saw Ron Barber, I ran over to, to where this was.
- 33 Q2. Do you, uh, the person that said gun, do you know who it was?
34 A. No.
- 35 Q2. Was it a male or a female?
36 A. Male.

- 1 Q2. Male? Okay.
2 Q. Where, I'm sorry.
- 3 Q2. Go ahead.
4 Q. Where would you have encountered the, uh, gentleman in, in the black clothes?
5 A. When I saw him running away. He was running on this side. And I was running the
6 opposite direction.
- 7 Q. So he, he was just passing you?
8 A. He passing.
- 9 Q. Passing you, next to you. Where did you stop and talk to him when, when you, the
10 clipboard?
11 A. It was at the back of the line.
- 12 Q. _____.
13 A. Way back here. We're, we're off paper.
- 14 Q. Yeah. Okay. I'm sorry.
15 A. So he would've to cut in front of everyone who was in line to get to the Congresswoman.
16 Um, I didn't actually see any of the shooting as I mentioned earlier. However, it was
17 strange when you see someone who I noticed was a little suspicious earlier running away
18 from the scene when most of the other people went towards the Congresswoman and the
19 victims to see, uh, how they could help.
- 20 Q. So the time that you gave him the clipboard, he wouldn't have been able to get to the
21 front.
22 A. No.
- 23 Q. Just by progression of the line? Okay. So he would've, okay.
24 A. There was maybe 15 or 20 people who were ahead of him.
- 25 Q. Okay. And, do you.
26 A. Who had signed in. There was other people who, who had not signed in.
- 27 Q. Do you, do you, let me ask me this, do you have any, any kind of military or law
28 enforcement training? Any kind of firearms training?
29 A. No.
- 30 Q. Okay. As, as best you can, can you describe the shots? Either how many? What they
31 sounded like?
32 A. At least ten. Um, there was casings around the Congresswoman and Ron Barber.
- 33 Q2. Casings on the ground?
34 A. Casing on the ground.
- 35 Q2. Okay.

- 1 A. Um, when I sitting with the Congresswoman, um, someone, uh, walked by and said, oh, 9
2 millimeter, she's a goner.
- 3 Q2. You heard somebody say that?
4 A. Yeah.
- 5 Q2. Okay. Was it a male or female?
6 A. Male.
- 7 Q2. Okay.
8 A. But I, I was tending to the Congresswoman so I didn't get a, I, I didn't care at that point.
9 I was just trying to take care of the Congresswoman so I didn't look up so see who it was
10 but they said 9 millimeter, she's a goner.
- 11 Q2. Did you hear a difference in any of the shots? Did they all sound like the same?
12 A. They all sounded the same.
- 13 Q2. The same? Okay. And then can you describe how they came out? Was it, like, did it
14 sound like, uh, they were automatically coming out or was it...
15 A. No.
- 16 Q2. ...did it sound like there was a pause between each?
17 A. It sounded like there was a pause.
- 18 Q2. Okay. And, uh, about, and this is really subjective but can you tell me about the distance
19 between the first shot and the last shot? How, how many seconds are we talking here?
20 A. Less than one.
- 21 Q2. Less than one? So it's just.
22 A. I, I think the, if I remember correctly, the first two were, were right after each other. And
23 there was, like, maybe a one or two second pause, and then that's when you started
24 hearing, three, four, five, six, seven.
- 25 Q2. Okay.
26 A. Nine. Maybe ten.
- 27 Q2. And then how many, um, you said you know that, uh, the Congresswoman was shot once
28 in the forehead, do you, do you, do you think she got shot anywhere else?
29 A. I, I tried to do an inspection to see if there was any other, uh, any other physical injuries.
30 Um, I was just trying to be very careful with her head because she had fallen and it was
31 concrete. Um, so I didn't wanna move her too much. Um, however, when we were in
32 the ambulance, the EMT said that there was only visible wound. But there was no visible
33 exit wound. [REDACTED]
- 34 Q2. [REDACTED]?
35 A. Yes. On the floor and on the Congresswoman's face.

1 Q2. Okay. Um, just prior to the shot, and you hearing gun, do you remember anything else
2 excited being yelled out?

3 A. No.

4 Q2. Okay.

5 A. It was just the people who were excited to get a chance to talk to the Congresswoman.
6 Um, they were gonna be there for a little while. Um, people started talking to each other.
7 Um, there was people talking about stuff at the U of A. Um, how impressive the work
8 that was being done at the U of A was and how Congresswoman Giffords had assisted
9 towards that, and I just was hearing it as kind of background noise when I was trying to,
10 to sign people up.

11 Q2. Do you remember, um, you, you worked with, uh, Congresswoman Gissord, Giffords,
12 before. Was her demeanor any different today? Did she seem nervous or anything like
13 that?

14 A. No.

15 Q2. Was it just normal?

16 A. The Congresswoman is always, at least on the outside, very jovial and very happy
17 looking. Um, and even when she's had constituents that come up to her, told her you're
18 the worst person on the planet, she doesn't change her demeanor. She just says, well,
19 let's talk about it. And that, that's kind of the attitude that she had coming in. Um,
20 because the event was supposed to go up until, 'til 11:30 and we already had quite a line,
21 um, she didn't say hello to the staff or anything, she just went right into the first person,
22 started talking.

23 Q2. Okay. Um, you, you say that you were asked, uh, just to keep an eye out, who asked you
24 to do that?

25 A. Gabe Zimmerman.

26 Q2. Gabe Zimmerman?

27 A. Her Outreach Director.

28 Q2. Okay. Um, and can you tell me just what you know, not, not what you heard 'cause I
29 know you've heard a lot, um, who exactly _____ had been shot? As far as who you
30 saw.

31 A. The, the people that I saw were Ron Barber, who is her, um, District Director. Um, Gabe
32 Zimmerman. The Congresswoman. Um, and then there was a woman who was in front
33 of this table, um, who was face down.

34 Q2. Uh huh (yes).

35 A. Um, like I said, I've only been at the Congressional office for a week and there's two
36 Pams. And they only called her by her first name. Um, so I'm not sure if it was Pam
37 Simon or Pam Harrington, who is her scheduler. Um, when I was tending to the
38 Congresswoman, people were running around doing things. Um, I did notice that
39 someone put a, a cover over both P-, uh, the Pam that was shot and Gabe.

40 Q2. A cover? Can you describe that?

- 1 A. It, it was one of the smocks from the department at Safeway.
- 2 Q2. And were they covering just a portion of the body or was it covering?
3 A. It was covering their face.
- 4 Q2. They were covering the face. Okay. And was anybody trying to give her medical
5 attention?
- 6 A. They tried giving Gabe CPR from what I saw. Um, and the person who said he was an
7 OB/GYN, um, came over and was trying to tend to, to Pam, um, but then he ended up
8 just putting a, a cover.
- 9 Q2. Okay.
10 A. Over Pam.
- 11 Q2. So, so, you've described, um, the Congresswoman.
12 A. Mm hm (yes).
- 13 Q2. Two males. And this female.
14 A. Yes.
- 15 Q2. Okay. Any-, can you think of anybody else that you know of that _____?
16 A. I didn't see anything else. Who wasn't.
- 17 Q2. Okay. Um, well, you said that, you, you heard somebody say that we ha-, we got him.
18 Um, did you ever see him after that?
19 A. Like I said, I was tending to the Congresswoman.
- 20 Q2. Okay. Um.
21 A. After the shots were fired, I didn't care what was going on around me. I just wanted
22 make sure, if we could save the Congresswoman, we save the Congresswoman and Ron
23 Barber.
- 24 Q2. Okay. Well, just to compare notes, what I, would you be able to sign that just so I can
25 know, tell the detectives at the scene, and, uh, we'll just compare notes up there. Um.
26 A. Yeah. And then when the photographer came in, he was behind Pam's body.
- 27 Q2. When, you described the photographer, was he just carrying a camera or was he carrying
28 stuff that photographers would normally carry, like a journalist?
29 A. I, I just saw a t-shirt and a camera.
- 30 Q2. Okay. So there was no pouches or anything attached him or anything like that?
31 A. I, I wasn't paying that close attention.
- 32 Q2. _____.
33 Q. _____
34 A. I was paying that close attention. Like I said, my concern was trying to care for the
35 Congresswoman.

- 1 Q2. Okay. How long between this happened that you noted, uh, uh, law enforcement started
2 showin' up?
3 A. I wanna saw that the first law enforcement I saw was three minutes.
- 4 Q2. Okay.
5 A. Um, EMT's got in there about five minutes into the, the incident. Uh, but we didn't have
6 any transport. It was just people from the fire truck who were, who were just trying kind
7 of assess the situation. Um, and they had ca-, the second that they got there, they called
8 an am-, uh, a helicopter, to try and get the Congresswoman to UMC as quickly as
9 possible.
- 10 Q2. Okay. Since you've been here, have you been approached by any press or anybody that's
11 not law enforcement?
12 A. Um, the only person who I've been approached by was Ron Barber's wife.
- 13 Q2. Okay.
14 A. And State Representative Steve Farley.
- 15 Q2. Okay.
16 A. Who had let me know that he had contacted, um, her parents and that they were trying to
17 get a hold of Mark, her husband _____.
- 18 Q2. Was, uh, did she have any family members present today?
19 A. No.
- 20 Q2. Okay.
21 A. It was just staff and _____.
- 22 Q2. Okay. Can you describe what she was wearin' today?
23 A. She was wearing a black dress and nylons, high heels. Um, she was wearing a red
24 necklace which she took off, um, for some reason, and just handed it to me and I had it in
25 my pocket.
- 26 Q2. Is that the one you just showed us?
27 A. Yeah. It, I, I still have it in my possession if it would be useful as evidence. It was
28 before the, before the shooting happened. Um, I don't know if it was getting caught in
29 her hair or whatever reason but some how it ended up in my, in my pocket and this was
30 before everything happened.
- 31 Q2. Okay.
32 A. Um, she was also wearing a red jacket with a 112th Congress pin.
- 33 Q2. Do you know, um, if she's been, since Congress has come back into session, has she been
34 back to Washington?
35 A. Yes.
- 36 Q2. Okay.
37 A. She just got back into this Tucson either this morning or last night.

- 1 Q2. Okay.
- 2 A. Um, and we have had, um, a lot of people calling in over the last couple of days to our
3 congressional office, um, to either complain about a vote or to, to ask more specific
4 questions. Um, because a few days ago, she did not vote for Nancy Pelosi as, um,
5 Speaker of House.
- 6 Q2. Okay.
- 7 A. Um, she voted for, um, I believe it was John Lewis. Um, so we were having people
8 asking why did she do this? Um, we also had people who I said were calling after they
9 got an automated call, um, asking us to take them off of the, the list.
- 10 Q2. Right now, as far as you know, you, you've worked in her office before, what is, uh, are
11 there times when she does get threats against her life?
- 12 A. I'm sure that there has been. I'm not, it has never been explicitly told, we, we are just
13 always told that with Gabby we need to be extra careful, uh, just because she is a
14 Democrat in a Republican _____ district, um, who, who has some enemies
15 politically.
- 16 Q2. Mm hm (yes).
- 17 A. Um, and we, we had an, we, the, the office had an incident not too far long or not too far
18 back, where there was actually gunshots fired through her door at the Congressional
19 office. I don't know if either of you remember that but, so, incidents have happened, um,
20 which is why I think they, they just always ask people to keep an eye out just, just to be
21 on the safe side.
- 22 Q2. Okay. _____.
- 23 Q. Yeah, I don't, uh, I don't think so. Um, Mister Hernandez, any objection to us talking to
24 you again if we think of something we forgot to ask you.
- 25 A. No, please feel free to call me if you have questions.
- 26 Q. Okay. Is, is there anything that we have not talked about right now that, that maybe
27 Detective Flores and I skipped over that you think we need to know about this? We
28 talked about the _____.
- 29 A. Um, I'm trying to see if there's anything. Um, if I think of anything, I'll, I'll let you
30 know.
- 31 Q. Okay.
- 32 A. But as far as I know right now _____.
- 33 Q. Uh, I'm gonna give you a business card right now and Detective Flores will as well.
34 We're, we're actually not in charge of the investigation itself but we can certainly get you
35 in touch with who is, uh, at some point _____ further. Regarding the, uh,
36 cameraman, describe one last thing about him. Um, 'cause we're trying to find out if
37 he's somebody who was supposed to be there and had been there the entire time or if he's
38 somebody coming to the store and, you know, decided to whip out a camera. I don't
39 know. At what, did you see him before the shooting at all or?

1 A. I don't remember him from before. But like I said, we had a lot of people in line, so I
2 may, I may have missed him.

3 Q. Okay.

4 A. Um, and with these types of events, um, you usually have people that bring their camera
5 because they're getting an opportunity to, to meet with a Congresswoman and
6 _____ to get a picture with her. Would like a picture _____.

7 Q. Yeah. Okay.

8 A. So it's not too uncommon for people to, to bring cameras.

9 Q. Okay. And, and that's probably quite accurate. Um, anything else?

10 A. Yeah. There is, um, _____.

11 Q. Oh, you wanna _____? Um, anything else that we need to discuss?

12 A. (no audible response)

13 Q. Okay. Any questions for us before we turn off the recorder?

14 A. _____.

15 Q. OKAY. THAT'LL CONCLUDE THE INTERVIEW. THE TIME IS NOW 1350.

16 WITNESS:

REVIEWED

17 DETECTIVE FLORES #4688

18 TRANSCRIBED BY:

19 C.ZAUNER, JANUARY 11, 2011